



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

HANSEN, et al.

Art Unit: 1653

Application No.: 09/894,030

Examiner: Bugaisky, Gabriele E.

Filed: June 29, 2001

Attorney Dkt. No.: 108172-00058

For: CONSTRUCTION OF A STRUCTURAL VARIANT OF SUBLANCIN TO FACILITATE ITS ISOLATION AND USE IN BIOREMEDIATION OF ENVIRONMENTAL CONTAMINATION BY GRAM-POSITIVE SPORE FORMERS SUCH AS *BACILLUS ANTHRAXIS*

SUPPLEMENT TO THE RESPONSE FILED ON MARCH 26, 2003

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Commissioner for Patents
Washington, D.C. 20231

Date: March 26, 2003

APR 02 2003

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Sir:

Further to the Response filed on March 26, 2003, the following is submitted as a Supplement thereto.

REMARKS

In the Response dated March 26, 2003, it was indicated that an executed Terminal Disclaimer would be filed as a Supplement to the Response. Attached to this Supplement is the Executed Terminal Disclaimer. It is submitted that the provisional rejection of Claims 1-8 and 15-22 under the judicially created doctrine of obviousness-type double patenting in view of Claims 1-9, 11-14, and 30 of copending application No. 09/462,478 has been overcome with the attached Terminal Disclaimer. It is requested that the rejection be withdrawn.

In the event this paper is not timely filed, Applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Applicant's Deposit Account No. 01-2300. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, referring to client-matter number 108172-00058.

Respectfully submitted,



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Attachments: Terminal Disclaimer



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RESPONSE UNDER 37 CFR 1.111

Commissioner for Patents
Washington, D.C. 20231

Date: March 26, 2003

Sir:

Further to the Office Action dated December 26, 2002, the following is submitted as a full and complete Response thereto.

IN THE CLAIMS:

Please cancel Claims 4, 16, and 9-14 without prejudice. Additionally, please cancel both Claim 6's in the application.

Please amend the claims in the following manner:

- 91
1. An affinity-tag labeled sublancin peptide comprising a chimeric polypeptide comprising a sublancin peptide, an amino acid spacer attached to the C-terminus of the sublancin peptide, and an affinity tag attached to the spacer, wherein the sublancin peptide comprises amino acid residues 1-37 of SEQ ID No. 2.

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